

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

THEODORE WOODS,	)	
	)	
Plaintiff,	)	
v.	)	
	)	No. 05-1278-CV-W-FJG-SSA
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is Plaintiff's Application for Leave to File Civil Action In Forma Pauperis (Doc. No. 1). Together with said motion is Plaintiff's Affidavit of Financial Status (Doc. No. 3).

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(a) (1999).

Plaintiff's Affidavit reveals that he is forty-six years old and single. No dependents live with plaintiff. Plaintiff states in his affidavit that he is currently unemployed. He was

formerly employed by Four Star Construction as a heavy equipment operator, earning a net income of \$1,000 per week, and a gross income of \$1,300 per week.

Plaintiff does not own real property or an automobile. Plaintiff indicates that he has \$0.00 cash on hand, and does not indicate a bank at which he maintains any business. Plaintiff indicates that, over the past twelve months, he has received unemployment benefits of \$250.00 per week before a child support garnishment of \$50.00 per week. Plaintiff reports that he has no monthly expenses for rental payments, groceries, medical bills, or clothing.

From the information provided, it appears that plaintiff does not meet the economic requirements; as plaintiff reports no monthly expenses and a monthly income of approximately \$800.00, plaintiff would not become completely destitute or forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Therefore, plaintiff's motion to proceed in forma pauperis (Doc. No. 1) is **DENIED**. If plaintiff wishes to file his Complaint, he shall pay the filing fee on or before **January 20, 2006**.

**IT IS SO ORDERED.**

Date: January 6, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge